

## REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 4, 2009. At the time of the Final Office Action, Claims 1-33 were pending in this Application. Claims 1-33 were rejected. Claims 1, 5, 16, 17, 19, and 23 are herein amended. Applicants respectfully request reconsideration and favorable action in this case.

### Rejections under 35 U.S.C. §103

Claims 1-5 and 7-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0133405 filed by Scott G. Newnam (“*Newnam*”) in view of U.S. Patent 7,380,260 issued to James A. Billmaier et al. (“*Billmaier*”) and further in view of U.S. Patent 7,161,934 issued to Luiz Buchsbaum et al. (“*Buchsbaum*”).

Claims 19-23 and 25-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Newnam* in view of *Billmaier*.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Newnam* in view of *Billmaier* and further in view of *Buchsbaum*.

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Newnam* in view of *Billmaier*.

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal

conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Applicants respectfully submit that the cited art combinations, even if proper, which Applicants do not concede, do not render Applicants’ claims 23 and 31 obvious. Applicants do not agree with several of the Examiner’s positions set forth in the Final Office Action. However, in order to advance prosecution, Applicants have amended independent Claims 23 and 31 to more clearly recite the inventive features in order to distinguish from the cited references.

Amended Claim 1 now recites, in part:

- operating an information exchange system including a production studio coupled to remote data processing equipment by both (a) a satellite connection and (b) a non-satellite connection separate from the satellite connection;
- producing information transmissions in a broadcast standard;
- sending the information transmissions live from a studio;
- digitizing the sent information transmissions and then transmitting the digitized information transmissions via the satellite connection as IP multicast packets;
- receiving the information transmission by a TV decoder and feeding them into a data and/or communications network for delivery to the remote data processing equipment;
- ...
- using the functions furnished by the information transmission received via the satellite connection for an interactive information exchange, including communicating user feedback regarding one or more of the functions furnished by the information transmission from the remote data processing equipment to the production studio via the non-satellite connection.

None of the cited references -- *Newnam*, *Billmaier*, or *Buchsbaum* -- teach these features. For example, the cited references do not teach a method including the steps of (a) sending a digitized production from a production studio to remote data processing equipment via a satellite connection, and (b) sending real-time user feedback from the remote data processing equipment back to the production studio via a non-satellite connection separate from the satellite connection. This arrangement can be advantageous, for example, in order to reduce traffic via the satellite and/or to exclude unauthorized persons from participating in the exchange.

The Examiner alleged that Figure 5 of *Billmaier* teaches a TV decoder coupled to a production studio via a virtual private network (VPN) separate from a satellite transmission channel. (Final Office Action, page 7, regarding previously presented Claim 5). However, Figure 5 of *Billmaier*, nor the corresponding description (*Billmaier*, col. 5, line 44 to col. 6, line 58) teach or suggest anything similar to sending a digitized production in one direction via a satellite link and sending feedback in the other direction via a separate, non-satellite link. *Newnam* and *Buchsbaum* also fail to teach these features. If the Examiner believes that the references do teach these features of amended Claim 1, Applicants respectfully request that the Examiner indicate the exact lines of the reference(s) that teach these features. Applicants also respectfully remind the Examiner that in order to establish a prima facie case of obviousness, the cited references must disclose all claimed limitations, and that references cannot be combined based on hindsight; rather, there must be a reason for combining references.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as all claims that depend therefrom. In addition, for analogous reasons, Applicants respectfully request reconsideration and allowance of amended independent Claims 16, 17, and 19, as well as all claims that depend therefrom.

**Request for Continued Examination**

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal, along with a Petition for Extension of Time. The Commissioner is authorized to charge any fees required to Deposit Account 50-4871 in order to effectuate these filings.

**Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric M. Grabski at 512.457.2030. A Revocation and Power of Attorney will be filed shortly.

### CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of all pending Claims.

Applicants submit a Request for Continued Examination. The Commissioner is authorized to charge the fee of \$810.00 required to Deposit Account 50-4871 of King & Spalding LLP in order to effectuate this filing. Applicants believe there are no other fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,  
KING & SPALDING L.L.P.  
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*EM Grabski*

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Date: June 3, 2009

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